

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

MDL No. 02419  
Docket No. 1:13-md-2419-RWZ

This document relates to:

### All cases

**THE BOX HILL DEFENDANTS' JOINDER MOTION TO AMEND THIS  
COURT'S OCTOBER 7, 2015 ORDER TO INCLUDE CERTIFICATION FOR  
INTERLOCUTORY APPEAL**

Defendants Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC (collectively, “Box Hill Defendants”) hereby join the Tennessee Clinic and Premier Defendants, and move the Court under Fed. R. App. P. 5(a)(3) to amend its October 7, 2015 Memorandum of Decision and Order (“Order”) to include a certification for immediate appeal pursuant to 28 U.S.C. § 1292(b).<sup>1</sup> Interlocutory appeal of this Order is appropriate because the Order “involves a controlling question of law as to which there is a substantial ground for difference of opinion...and immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b).

The grounds for Defendants' Motion are set forth in the accompanying Memorandum in Support of Motion to Amend this Court's October 7, 2015 Order to Include Certification for Interlocutory Appeal.

<sup>1</sup> The Box Hill Defendants adopt and incorporate the Motions and Memoranda filed by the Tennessee and Premier Defendants (ECF#s 2416, 2417, and 2356, 2357, respectively) as if fully stated herein.

Dated: December 3, 2015

Respectfully submitted,

/s/ Gregory K. Kirby

Gregory K. Kirby

Pessin Katz Law, P.A.

901 Dulaney Valley Road, Suite 500

Towson, Maryland 21204

gkirby@pklaw.com

(410) 938-8800

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 3<sup>rd</sup> day of December, 2015.

/s/ Gregory K. Kirby

Gregory K. Kirby